REMARKS

In the Final Office Action mailed March 5, 2008, the Examiner maintained the rejection of all claims under 35 USC § 102 as being anticipated by Garfinkle. As Applicant discussed extensively in a prior Response, Garfinkle does not disclose video content selected by a controller located remotely from a television. Rather, Garfinkle discloses that content is selected locally at a user site, and a request for the selected content is transmitted to a remote server. The remote server serves the requested content; it does not select it.

The Examiner stated, " Applicant should note Garfinkle, col 5, lines 10-14, and in addition, col 3, lines 11-14." These passages do not disclose remote selection of content. The first cited portion states:

> Video products are downloaded by the central station from the product store 12 to a selected user site 18 in response to a download request from that particular user site. The downloaded video product data is stored at the user site in the product store 24.

This discloses precisely the opposite of that for which it was cited. The central station receives a download request – which specifically identifies the desired content, which was selected at the user site 18. Garfinkle describes this selection process at col. 3, lines 62 – 66:

> A cursor 53 can be manipulated by the user via the input device 28 to command the microprocessor 20 to address and fetch from the catalog store 26 the material called for by means of the cursor 53.

Manipulating a cursor to indicate content, and commanding a microprocessor to fetch the content from the catalog store, is the very definition, as understood by those of skill in the art, of selecting content. The input device 20, microprocessor 20, and catalog store 26 are all local to the user site 18. See Fig. 1.

Next, Garfinkle describes the process of ordering the full video content, after it has been selected, at col. 3, line 66 – col. 4, line 6:

> The user can also order a desired video product by pointing with the cursor to the desired product and entering an appropriate command, such as a "click" with a mouse type input. The microprocessor 20 will transmit via a modem, for example, connected to the link 16 the appropriate identification

> data of the desired product to the central station along with a site identifier for billing purposes and as a download address.

The microprocessor can only transmit "the appropriate identification data of the desired product" if the product has already been selected. What the microprocessor sends to central station 10 is a content identification number, file name, or other form of identifying content that the user selected at the local user site 18, via user inputs that manipulate a cursor 53 on the microprocessor 20. Those user inputs that select the content – cursor 53 control inputs – are not transmitted to the central station 10.

In stark contrast, claim 1 recites, "providing control inputs to said television; displaying content on said television, said content selected in response to said control inputs by a controller located remotely from said television; and communicating said control inputs and said content between said television and said [remote] controller via a bi-directional communications channel." Claim 1 explicitly recites communicating the user-provided control inputs to the remote controller, and the remote controller selecting content in response to the control inputs. This is distinct from a user selecting content via user inputs, and a microprocessor subsequently transmitting to a remote server an identification of the selected content, and the server returning the content, as Garfinkle discloses. For at least the reason that Garfinkle fails to disclose communicating control inputs between a television and a remote controller, and selecting content by the remote controller, the § 102 rejection of claim 1, and all claims depending therefrom, is improper and must be withdrawn.

Claim 11 recites, in addition to the previously identified limitation that the remote controller selects content in response to user inputs, "a first interface unit connected between said television and said channel, operative to transmit said control inputs on said channel and to receive said content from said channel; and a second interface unit connected between said channel and said remotely located controller, operative to receive said control inputs from said channel and transmit said content on said channel." Garfinkle does not disclose or suggest that

any user-provided control inputs are transmitted from the user site 18 to the central station 10, or received at the central station 10 and used to select content there. Rather the content is selected locally, at the user site 10, in response to the user inputs, and an identification of the selected content is transmitted to the central station 10. For at least the reason that Garfinkle fails to disclose transmitting or receiving control inputs across a channel between a local television and a remote controller, and selecting content by the remote controller in response to the user inputs, the § 102 rejection of claim 11, and all claims depending therefrom, is improper and must be withdrawn.

Claim 16 recites, "receiving control inputs at each said television, and transmitting said control inputs to a corresponding controller; [and] selecting content by each controller in response to said control inputs." Again, Garfinkle does not disclose or suggest transmitting user-provided control inputs (i.e., cursor 53 movement commands) to a central server 10. In fact, Garfinkle teaches away from such by explicitly disclosing using the control inputs at the local microprocessor 20 to select content from a local catalog store 26, and transmitting "the appropriate identification data of the desired product to the central station" 10. For at least the reason that Garfinkle fails to disclose transmitting control inputs to a remote controller and selecting content by the controller in response to the control inputs, the § 102 rejection of claim 16, and all claims depending therefrom, is improper and must be withdrawn.

The Examiner additionally cited to Garfinkle, col 5, lines 10-14. That passage states:

> If the outcome of decision block 72 is no (i.e., there is no lead-in associated with the product), the ordered product is downloaded to the user site 18, stored in the video product memory 24 and displayed on the video display 26, as indicated in blocks 84, 86 and 88.

"Decision block 72 asks whether or not the selected video product has a lead-in stored in the site catalog store 22. If it does, the control processor starts the display of the ordered video product from the lead-in material stored at the site in catalog store 22." col. 4, line 66 – col. 5, line 3. Obviously, an "ordered video product" cannot possibly be displayed – whether from local

store if the lead-in exists, or from a remote store if it does not – if the video product has not already been selected. These passages of Garfinkle conclusively prove that the desired content is selected locally, at the user site 18 by the microprocessor 20, and not at the remote site 10, as explicitly recited in claims 1, 11, and 16. For at least this additional reason, the § 102 rejections of claim 1, 11, and 16, and their respective dependent claims, are improper and must be withdrawn.

All pending claims define patentable novelty and nonobviousness over the art of record. Accordingly, prompt allowance of all pending claims is respectfully requested.

Respectfully submitted,

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